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10 Attorneys for the United States

11  
12 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, ) Civil No. S-91-0768 JAM-JFM  
14 Plaintiff, )  
v. ) (Consolidated for all purposes with  
Defendants. ) Civil No. S-91-1167 JAM-JFM)  
15  
16 IRON MOUNTAIN MINES, INC. and )  
T.W. ARMAN, )  
Defendants. )  
17  
18 STATE OF CALIFORNIA, On behalf of the ) **UNITED STATES' MOTION TO**  
California Department of Toxic Substances ) **AMEND THE JULY 13, 2010**  
Control and the California Regional Water ) **ORDER FOR PARTIAL**  
Quality Control Board for the Central Valley ) **SUMMARY JUDGMENT FOR THE**  
Region, ) **UNITED STATES' RESPONSE**  
Defendants. ) **COSTS**  
Plaintiff, )  
v. ) Date: October 6, 2010  
Defendants. ) Time: 9:30 a.m.  
Courtroom No. 6  
IRON MOUNTAIN MINES, INC. and ) Hon. John A. Mendez  
T.W. ARMAN, )  
Defendants. )  
AND RELATED COUNTER- AND )  
THIRD-PARTY CLAIMS )  
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2                   **UNITED STATES' MOTION TO AMEND THE**  
3                   **JULY 13, 2010 ORDER FOR PARTIAL SUMMARY JUDGMENT FOR**  
4                   **THE UNITED STATES' RESPONSE COSTS**

5                   Pursuant to Fed.R.Civ.P. 60, the United States moves this Court to amend its July  
6 13, 2010 Order (Dkt. 1318, granting partial summary judgment for the United States' unpaid  
7 response costs) in two respects: (1) to order the grant of declaratory judgment that the  
8 Defendants, T.W. Arman and Iron Mountain Mines, Inc. ("Defendants"), are liable to the United  
9 States for additional response costs incurred for environmental cleanup of the Iron Mountain  
10 Superfund Mine Site, and for prejudgment interest on those costs, to the extent that those costs  
11 have not been, and are not being paid pursuant to the December 8, 2000 Consent Decree  
12 settlement; and (2) to clarify that the Consent Decree settlement paid *no* United States' response  
13 costs incurred between February 29, 1996, and the date of the December 8, 2000 settlement, and  
14 pays only some, but not all, of the "future costs" incurred after the entry of the December 8, 2000  
15 Consent Decree settlement.

16                   On July 28, 2010 by email, counsel for the United States asked counsel for the  
17 defendants if the defendants would oppose this motion. Defendants' counsel has not responded.

18                   In support of this Motion, the United States submits a supporting Memorandum.

19                   Dated: July 30, 2010

20                   Respectfully submitted,

21                   /s/ Larry Martin Corcoran  
22                   LARRY MARTIN CORCORAN  
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## CERTIFICATE OF SERVICE

I Hereby Certify That, on July 30, 2010, I caused the UNITED STATES' MOTION TO AMEND THE JULY 13, 2010 ORDER FOR PARTIAL SUMMARY JUDGMENT FOR THE UNITED STATES' RESPONSE COSTS, supporting Memorandum, and Proposed Order to be filed electronically using the Court's ECF system, which will send notice of such filings to all registered counsel of record.

/s/ Larry Martin Corcoran  
LARRY MARTIN CORCORAN